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# Appeal Decision

Site visit made on 6 June 2017

**by Mrs J A Vyse DipTP DipPBM MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30<sup>th</sup> June 2017**

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**Appeal Ref: APP/T5720/W/17/3170138**

**Park Gate House, 356 West Barnes Lane, New Malden KT3 6NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Stonegate Homes against the decision of the Council of the London Borough of Merton.
  - The application No 16/P3135, dated 28 July 2016, was refused by a notice dated 23 January 2017.
  - The development proposed is described on the application form as an '*extension to existing building, removal of mansard and re-cladding of elevations to provide six new self contained dwellings. Amendments and additions to fenestration.*'
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## Decision

1. For the reasons that follow, the appeal is dismissed.

## Procedural Matters

2. The red line on the application plan does not correspond with the development proposed as it only includes part of the existing building. I have, however, proceeded on the basis that the application relates to the whole of the existing building, extending up to the adjacent shopping parade and including all of the parking area to the rear.

## Main Issues

3. These relate to the effect of the development proposed on the character and appearance of the surrounding area and its effect on the living conditions of nearby residents, having particular regard to privacy and outlook.

## Background

4. An application for prior approval for conversion of this three storey former office building to 19 self-contained flats was approved by the Council in 2016 (Application No 16/P0233). At the time of my site visit, work was underway on that approved conversion scheme.
5. The planning application the subject of this appeal proposes an additional storey of accommodation on top of the existing building in conjunction with the already approved works. The plans were amended prior to determination of the application by the Council, to show the additional accommodation as having a mansard type form in elevation. In addition, the plans are annotated to show the existing brickwork overlaid with a brick slip system in a pale buff colour, with the additional storey to be clad in mid-grey standing seam metal. The proposed terrace areas along the western façade are shown as being separated by 'bay' windows, with three additional terraces being introduced on other

facades to provide amenity space for each of the six additional flats proposed. In addition, the existing high level windows at first and second floor on the far southern façade (facing the nearest Marina Avenue properties) are shown as being retained, with the windows of the additional accommodation proposed to the same elevation to be fixed shut and obscure glazed.

6. The Council consulted on the amended plans and its decision was based on the revisions. My decision is, similarly, based on the scheme as amended.

## **Reasons for the Decision**

### *Character and Appearance*

7. The Government attaches great importance to the design of the built environment. In particular, Section 7 of the National Planning Policy Framework (the Framework) requires that new development should add to the overall quality of the area, referring to the need to respond to local character and history, and to reflect the identity of local surroundings. It also confirms that it is proper to seek to promote or reinforce local distinctiveness and to address the integration of new development into the built environment.
8. Policies 7.4 and 7.6 of the London Plan, policy CS14 of the Core Strategy<sup>1</sup> and policies DM D2 and DM D3 of the SPP<sup>2</sup> seek, among other things, to promote or reinforce local distinctiveness, encouraging high quality innovative design that respects and enhances the character of the wider area and reinforces a sense of place and identity. As such, they reflect national policy as set out in the Framework and continue to attract due weight.
9. This part of West Barnes Lane comprises a mix of shops and commercial premises, a public house, a local train station, school and residential accommodation. It has a pleasant suburban village feel and is characterised generally by two storey buildings, a number of which have second floor accommodation within the roof space. Most have pitched roofs over, with some characterised by white and black beamed mock Tudor frontages and gable features.
10. The appeal building occupies a prominent corner position adjacent to the railway line and level crossing, at the western end of the Motspur Park shopping parade. The parade comprises a largely two storey terrace with retail/commercial uses on the ground floor with accommodation above, beneath a pitched roof that is punctuated by gable features.
11. The appeal building, as existing, comprises three floors of what was previously office accommodation and sits slightly forward of the adjacent parade. The top floor has a flat roof with a tile hung slightly sloping façade, giving the impression from ground level of a mansard roof. The footprint of the building turns a corner such that its western elevation faces the adjacent railway line, the building and the railway line being separated by a narrow service road. At the point where the building addresses the corner, it is slightly taller, that part of the building accommodating a communal stairwell and lift.
12. The overall height of the majority of the existing building is roughly commensurate with that of the adjacent shopping parade. However, its appearance and bulky form is at clear odds with the more traditional form and

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<sup>1</sup> London Borough of Merton LDF Core Planning Strategy : adopted July 2011

<sup>2</sup> Merton Sites and Policies Plan: 9 July 2014

appearance of the parade and other buildings in the immediate locality. In particular, when approached along West Barnes Lane from the northeast, the boxy profile of the top floor has an uneasy relationship with the adjacent pitched roof and, to my mind, is seen as a prominent and visually jarring feature in the street scene.

13. The development proposed would involve replacing the slightly sloping front elevation to the existing top floor with walling with a vertical plane, aligned with the lower floors. More significantly, the addition of an extra floor of accommodation would increase the overall height of the building well above that of the adjacent parade buildings. The part of the building that addresses the front corner would also be increased in height, to align with the top of the proposed additional storey. A corresponding stairwell tower of the same height is also shown at the southwestern end of the building.
14. I recognise that the additional storey would be set back a short distance from the boundary with the adjacent shopping parade. Nevertheless, the addition would result in a steeply sloping structure close to and on top of all the other elevations, including the street elevations. As a consequence, the building would, in my view, be seen to loom up from the street, comprising a bulky, overly dominant and overbearing form of development that would fail to respect or have proper regard to the scale of the adjoining two-storey shopping parade and other buildings in the locality. I find nothing in the proposed design, including the proposed alterations to the elevations and fenestration that would complement or enhance the character or appearance of the wider setting. Even taking account of the already incongruous appearance of the existing building, there would be material harm to the character and appearance of the area, contrary to the provisions of the relevant development plan policies and the Framework.

#### *Living Conditions*

15. Local residents raised a number of objections both at application and appeal stage which are not reflected in the Council's reason for refusal, including outlook and privacy for occupiers of properties on Marina Avenue. That they were not part of the reason for refusal does not preclude them from being a main issue, with the appellant, who is professionally represented, having had the opportunity to deal with the representations made.
16. Dealing first with the matter of privacy, the officer's report indicates that some 30 metres separates the main wall of the nearest property and the south elevation of the appeal building (reducing to some 26 metres between the single storey extension to the rear of the nearest property and the appeal building). The Council's SPG 'Residential Extensions, Alterations and Conversions' (November 2001) suggests a minimum separation of 25 metres between new dormer windows at second floor level and facing windows at a neighbouring residential property. However, the development proposed would introduce additional windows at third floor level which, it seems to me, could necessitate a separation greater than the suggested 25 metres. That said, I note that the windows in the south elevation of the building, which would directly face the rear of the nearest Marina Avenue properties, are shown as being fixed shut and obscure glazed. That would remove opportunities for direct overlooking from those windows.
17. However, windows to habitable rooms and a roof terrace are proposed on the

angled, more easterly/southeasterly facing elevation and the south facing return at the far end of the building. During my site visit, I took the opportunity to view the residential properties from the edge of the existing flat roof on the appeal building on each of the 'rear' elevations. Notwithstanding the slightly oblique angle in part, and the greater separation distance involved, I am in no doubt that there would, at the very least be a perception of overlooking, given the clear views from the proposed windows and roof terrace into rear gardens, rear patio /decking areas and rear facing windows.

18. The appeal building is separated from the rear gardens of the Marina Avenue properties by a rear access road. The existing three storey appeal building is already seen as having quite a dominant presence in views from the nearer of the Marina Avenue properties. In such close proximity, the addition of a further storey of accommodation would, in my view, exacerbate that impact, with the resultant building having an overbearing, if not overwhelming visual impact for nearby residents.
19. To conclude on this issue, I have found that there would be material harm to the living conditions of nearby local residents in terms of loss of privacy and visual impact. There would be conflict, in this regard, with policies DM D2 and DM D3 of the SPP which, among other things, seek to ensure the provision of quality living conditions and privacy for existing residents as well as protecting them from visual intrusion.

### **Other Matters**

20. Other objections raised by local residents in relation to loss of light/overshadowing, highway safety and parking, noise and disturbance etc are dealt with in the officer's report and I have no reason to take a different view from the conclusions set out therein, namely that there would be no material harm in these regards.
21. The officer's report indicates that the appeal site lies within Flood Zone 2. Whilst residential development can be acceptable in Flood Zone 2, the Government's Planning Practice Guidance makes it clear that a sequential risk based approach should be taken to the location of new development. That approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk, the aim being to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) where possible. Had the appeal been acceptable in all other regards, I would have required further information in relation to the sequential test.

### **Conclusion**

22. I have found that there would be material harm in terms of the impact of the appeal scheme on the character and appearance of the area. There would also be harm to the living conditions of nearby residents in terms of loss of privacy and visual impact. I recognise that the appeal site is well connected to the rail network, with easy access to local services. As such, there is no objection in principle to the development proposed. However, any benefits in this regard are clearly outweighed by the harm that I have identified. Accordingly, for the reasons set out above, I conclude that the appeal should not succeed.

*Jennifer A Vyse*  
INSPECTOR